

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 2/17/04 Signature: [Signature]
(Ginny Blundell)

Image

1636

Docket No.: APBI-P08-317
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Crabtree et al.

Application No.: 10/054712

Confirmation No.: 6936

Filed: November 13, 2001

Art Unit: 1636

For: REGULATED APOPTOSIS

Examiner: D. A. Lambertson

PETITION UNDER 37 CFR § 1.78(a)(3)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This petition is being filed to perfect the priority claim in the above-referenced patent application after the time period set forth in 37 CFR § 1.78(a)(2). Applicants respectfully submit that the entire delay in filing the claim past the time allotted under 37 CFR § 1.78(a)(2) is unintentional.

The priority claim of the above-referenced patent application was added to the specification by preliminary amendment on May 9, 2003 and should read as follows:

This application is a continuation of U.S. Ser. No. 09/302,629, filed April 30, 1999 (U.S. Pat. No. 6,316,418), which is a continuation of U.S. Ser. No. 09/087,811, filed May 29, 1998 (U.S. Pat. No. 6,054,436), which is a continuation of U.S. Ser. No. 08/292,597, filed Aug. 18, 1994 (U.S. Pat. No. 5,834,266), which is a continuation-in-part of U.S. Ser. No. 08/179,143 filed Jan. 7, 1994 (abandoned), which is a continuation-in-part of U.S. Ser. No. 08/093,499 filed Jul. 16, 1993 (abandoned); U.S. Ser. No. 09/302,629 is also a continuation-in-part of U.S. Ser. No. 08/196,043 filed Feb. 11, 1994 (abandoned), which is a continuation-in-part of U.S. Ser. No. 08/179,748 filed Jan. 7, 1994 (abandoned), which is a continuation-in-part of U.S. Ser. No. 08/092,977 filed Jul. 16, 1993 (abandoned), which is a continuation-in-part of U.S. Ser. No.

02/24/2004 RMEBRAHT 00000162 181945 10054712

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08/017,931 filed Feb. 12, 1993 (abandoned). The contents of each of these applications is hereby incorporated by referenced into the present disclosure.

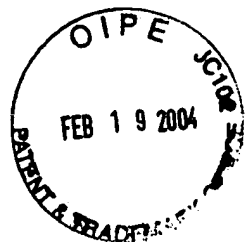
Applicants hereby authorize the commissioner to charge the fee of **\$1,330.00** for the acceptance of an unintentionally delayed claim for priority under 37 CFR § 1.17(t) to our **Deposit Account No. 18-1945**. If there are any additional fees due in connection with the filing of this Petition, please charge our Deposit Account No. 18-1945, under Order No. APBI-P08-317 from which the undersigned is authorized to draw.

Dated: February 17, 2004

Respectfully submitted,

By 
Melissa S. Rones, Ph.D.

Registration No.: 54,408
ROPES & GRAY LLP
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Boston, Massachusetts 02110-2624
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Attorneys/Agents For Applicant



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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1330.00

Complete if Known

Application Number 10/054712
Filing Date November 13, 2001
First Named Inventor Gerald R. Crabtree
Examiner Name D. A. Lambertson
Art Unit 1636
Attorney Docket No. APBI-P08-317

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 18-1945

Deposit Account Name Ropes & Gray LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	2001	770	385			Utility filing fee	
1002	2002	340	170			Design filing fee	
1003	2003	530	265			Plant filing fee	
1004	2004	770	385			Reissue filing fee	
1005	2005	160	80			Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims ** = x =
Independent Claims ** = x =
Multiple Dependent =

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	2202	18	9			Claims in excess of 20
1201	2201	86	43			Independent claims in excess of 3
1203	2203	290	145			Multiple dependent claim, if not paid
1204	2204	86	43			** Reissue independent claims over original patent
1205	2205	18	9			** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	2051	130	65			Surcharge - late filing fee or oath	
1052	2052	50	25			Surcharge - late provisional filing fee or cover sheet	
1053	2053	130	130			Non-English specification	
1812	2520	1812	2,520			For filing a request for ex parte reexamination	
1804	920*	1804	920*			Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*			Requesting publication of SIR after Examiner action	
1251	2251	110	55			Extension for reply within first month	
1252	2252	420	210			Extension for reply within second month	
1253	2253	950	475			Extension for reply within third month	
1254	2254	1,480	740			Extension for reply within fourth month	
1255	2255	2,010	1,005			Extension for reply within fifth month	
1401	2401	330	165			Notice of Appeal	
1402	2402	330	165			Filing a brief in support of an appeal	
1403	2403	290	145			Request for oral hearing	
1451	1,510	1451	1,510			Petition to institute a public use proceeding	
1452	2452	110	55			Petition to revive - unavoidable	
1453	2453	1,330	665			Petition to revive - unintentional	
1501	2501	1,330	665			Utility issue fee (or reissue)	
1502	2502	480	240			Design issue fee	
1503	2503	640	320			Plant issue fee	
1460	1460	130	130			Petitions to the Commissioner	
1807	1807	50	50			Processing fee under 37 CFR 1.17(q)	
1806	1806	180	180			Submission of Information Disclosure Stmt	
8021	8021	40	40			Recording each patent assignment per property (times number of properties)	
1809	2809	770	385			Filing a submission after final rejection (37 CFR 1.129(a))	
1810	2810	770	385			For each additional invention to be examined (37CFR 1.129(b))	
1801	2801	770	385			Request for Continued Examination (RCE)	
1802	1802	900	900			Request for expedited examination of a design application	
Other fee (specify), 1454 Acceptance of delayed claim for priority							1330.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 1330.00

SUBMITTED BY

Name (Print/Type) Melissa S. Rones, Ph.D.

Registration No. (Attorney/Agent) 54,408

(Complete (if applicable))

Telephone (617) 951-7653

Signature

Date

February 17, 2004

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